

## STRUCTURAL PEST CONTROL BOARD

### Specific Language

#### **(1) Amend section 1922 of Division 19 of Title 16 of the California Code of Regulations to read as follows:**

1922. Civil Penalty Actions by Commissioners.

(a) When taking civil penalty action pursuant to section 8617 of the Business and Professions Code, county agricultural commissioners shall use the provisions of this section to determine the violation class and the fine amount.

(1) For purposes of this section, violation classes shall be designated as “serious,” “moderate,” and “minor.”

(A) “Serious”: Violations that are repeat violations of those in subparagraph (B) or violations which created an actual health or environmental hazard. The fine range for serious violations is ~~\$401-\$1,000~~ \$700-\$5,000.

(B) “Moderate”: Violations that are repeat violations of those in subparagraph (C) or violations which pose a reasonable possibility of creating a health or environmental effect. The fine range for moderate violations is ~~\$151-\$400~~ \$250-\$1,000.

(C) “Minor”: Violations that did not create an actual health or environmental effect or did not pose a reasonable possibility of creating a health or environmental effect. The fine range for minor violations is ~~\$50-\$150~~ \$400.

NOTE : Authority cited: Section 8525, Business and Professions Code.

Reference: Section 8617, Business and Professions Code.

#### **(2) Adopt section 1923 of Division 19 of Title 16 of the California Code of Regulations to read as follows:**

1923. Public Information System – Disclosure.

(a) The Board shall establish and maintain a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against registered companies and licensees.

and unlicensed persons subject to the Board's jurisdiction. Such a system shall also provide the public with information regarding the licensed status of the Board's licensees and registered companies.

Information subject to the public information system shall be disclosed to members of the public, upon request, by telephone, in person, or in writing (including fax or e-mail). Such information, when feasible and to the extent required or permitted by law, shall be made available by the Board in writing or by telephone. Requests for information shall be responded to within ten (10) days.

(b) Information to be Disclosed Regarding License Status.

The Board shall disclose the following information regarding past and current licensees:

(1) The name of the licensee and registered company, as it appears in the Board's records;

(2) The license and registration number;

(3) The address of record;

(4) The license and registration issue date;

(5) The license expiration date; and,

(6) The license and registration status and history.

(c) Information to be Disclosed Regarding Disciplinary or Enforcement Action.

Unless otherwise required by law, the Board shall disclose the following information regarding disciplinary or enforcement action taken against licensees and unlicensed persons, if applicable:

(1) Total number of disciplinary and enforcement actions taken by the Board;

(2) Brief summary of disciplinary and enforcement actions taken by the Board; citations that have been satisfactorily resolved shall be disclosed as such;

(3) Current status of pending Accusations, Statements of Issues, and Citations filed by the Board; disclosure of pending actions shall contain a disclaimer stating that the pending administrative action(s) against the person

and company is/are alleged and no final legal determination has yet been made; further disclaimers or cautionary statements regarding such pending actions may also be made; and

(4) Information which is statutorily mandated to be disclosed.

(d) Information to be Disclosed Regarding Complaints.

(1) The Board shall disclose complaint information when the registrar/executive officer has determined that:

(A) the complaint information has a direct and immediate relationship to the health and safety of another person; and

(B) one or more of the following have occurred:

(i) A complaint involves a dangerous act or condition caused by the subject of the complaint that has or could result in a death, bodily injury or severe consequences and disclosure may protect the consumer and/or prevent additional harm to the public;

(ii) A series of complaints against a party alleging a pattern of unlawful activity have been received by the Board and it has been determined that disclosure may protect the consumer and/or prevent additional harm to the public;

(iii) A complaint has been referred to the Attorney General for filing of an Accusation or Statement of Issues; or,

(iv) A complaint has been referred to another law enforcement entity for prosecution.

Complaint information that is determined to meet the conditions for disclosure listed in subsection (d)(1) shall be incorporated into the public information system no later than ten (10) days after the conditions for disclosure have been met.

(2) Information about a complaint shall not be disclosed if it is determined by the registrar/executive officer that any of the following apply:

(A) Disclosure is prohibited by statute or regulation;

(B) Disclosure might compromise an investigation or prosecution; or

(C) Disclosure might endanger or injure the complainant or third party.

(3) When conditions for disclosure have been met, the Board shall disclose the following information regarding complaints received against licensees and unlicensed persons, if applicable:

(A) Total number of complaints meeting conditions of disclosure;

(B) Date(s) of receipt and nature of the complaint(s);

(C) Disposition of the complaint(s), by indicating whether the matter has been:

(i) referred to formal disciplinary action;

(ii) disposed of through any other action, formal or informal; or

(iii) other disposition;

(D) Information which is statutorily mandated to be disclosed;

(E) Current status of criminal prosecution resulting from a complaint received by the Board;

(F) A description of the type of public information not included in the system (i.e. civil judgments, criminal convictions, unsubstantiated complaints); and

(G) Disclaimers indicating that the system does not constitute endorsement or non-endorsement of a person, and that the system may not contain all available information.

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Section 8620, Business and Professions Code, and Section 6253, Government Code.

**(3) Amend section 1948 of Division 19 of Title 16 of the California Code of Regulations to read as follows:**

**1948. Fees.**

(a) Pursuant to the provisions of section 8674 of the code, the following fees are established:

(1) Duplicate license. . . \$ 2

(2) Change of licensee name. . . \$ 2

(3) Operator's examination. . . \$ 25

- (4) Operator's license. . . ~~\$150~~ \$120
- (5) Renewal operator's license. . . ~~\$150~~ \$120
- (6) Company office registration. . . \$120
- (7) Branch office registration. . . \$ 60
- (8) Field representative's examination. . . \$ 10
- (9) Field representative's license. . . \$ 30
- (10) Renewal field representative's license. . . \$ 30
- (11) Change of registered company's name. . . \$ 25
- (12) Change of principal office address. . . \$ 25
- (13) Change of branch office address. . . \$ 25
- (14) Change of qualifying manager. . . \$ 25
- (15) Change of registered company's officers. . . \$ 25
- (16) Change of bond or insurance. . . \$ 25
- (17) Continuing education provider. . . \$ 50
- (18) Continuing education course approval. . . \$ 25
- (19) Pesticides use report filing. . . \$ 6
- (20) Applicator's license . . . \$ 10
- (21) Renewal applicator's license . . . \$ 10

(b) Pursuant to section 8564.5 of the code, the fee for examination for licensure as an applicator is \$15.00 for each branch in which an examination is taken.

(c) Pursuant to section 8593 of the code, the fee for the continuing education examination for operators is \$25.00, for each branch in which an examination is taken.

(d) Pursuant to section 8593 of the code, the fee for the continuing education examination for field representatives is \$10.00, for each branch in which an examination is taken.

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Sections 8564.5, 8593 and 8674, Business and Professions Code.